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To: Public Library Directors; Public Library Board of Trustees Chairs  
From: Karen Strege, State Librarian  
Re: The Children's Internet Protection Act (CIPA) and Federal Funds  
Date: August 11, 2003

On June 23, 2003, the Supreme Court ruled that the filtering requirement in CIPA was constitutional for public libraries. The Court's decision means that any public library using E-rate or Library Services Technology Act (LSTA) funds for certain purposes must comply with the law's filtering requirement. This memo is intended to give you summary information about the ruling's effects on the E-Rate application process and LSTA. The attachment contains answers to frequently asked questions about CIPA.

The State Library will continue to provide information on CIPA through its website, <<http://msl.state.mt.us/admin/CIPA.htm>> and on Wired-Mt. When appropriate we will also mail informational memos to all public library directors and the chairs of the board of trustees. The State Library welcomes any questions on CIPA and encourages you to check with us should you have any concerns or questions.

#### The two federal funding programs used by some Montana libraries are:

*E-rate:* CIPA's filtering provision applies when using E-rate funds for Internet provider costs or for internal connection costs. The filtering provision **does not** apply to discounts on telecommunication costs, including voice or data circuits.

*LSTA:* CIPA's filtering provision applies when using LSTA funds to purchase computers that will be accessing the Internet or to pay for direct costs associated with accessing the Internet.

#### CIPA Compliance and the E-Rate

This section was updated on 8/21/03. Click here to see the update.

Libraries receiving **Internet Access (IA)** and/or **Internal Connections (IC)** funds for this current funding year 2003 (7/1/2003 - 6/30/2004) must certify that they are either (a) already in compliance with CIPA or (b) are undertaking actions to be in compliance by 7/1/2004. If you certify that you are undertaking actions this year, you must be in compliance by 7/1/2004.

What is compliance? You must have an Internet safety policy and "technology protection measures" (TPM) in place on **all** computers, including staff computers, with Internet access in your library by 7/1/2004. In other words, you have a little less than a year to look at your filtering options and decide whether and which ones to buy and install on your library's computers if you want to continue to receive E-Rate discounts for **Internet Access and/or Internal Connections**. More specific instructions follow.

- 1) If you have **NOT YET FILED** Form 486 (Receipt of Service Confirmation Form) and are requesting **IA/IC** E-Rate funds for the 2003 funding year, you must file a **REVISED** Form 486 to certify that you are (a) either already in compliance with CIPA or (b) are undertaking actions.

The new Form 486 is not yet available. You have at least until the end of October 2003 to do so (**120 days** from the **start of the funding year July 1, 2003** or from the **date of your Funding Commitment Decision Letter - whichever is later**).

- 2) If you have **ALREADY FILED** a Form 486 for **IA/IC** E-Rate funds for 2003, you must file a **REVISED** Form 486 to certify that you are (a) already in compliance with CIPA or (b) are undertaking actions. The 120 day rule still applies and you have at least until the end of October to do so.
- 3) If you have **ALREADY FILED** a Form 486 for **IA/IC** E-Rate funds for 2003 but do not comply with CIPA and have NO intention of undertaking actions, you CANNOT receive E-Rate funds **for Internet Access and/or Internal Connections**. However, you may still receive Telecommunications E-Rate funds.

You do not have to return any E-Rate funds received for IA/IC between July 1, 2003 and the effective date of the FCC Order. The Order **does not specify** how you are to "return" unused E-Rate funds for the current year. If you believe this situation may apply to your library, please let MSL know, so we can help you find out how you are to proceed.

**NOTE:** We do not yet have an effective date for the Order. This is the date it appears in the Federal Register.

- 4) If you have **ALREADY FILED** a Form 486 for 2003 for **Telecommunications** E-Rate funds **ONLY**, you have nothing further to do, the CIPA does not apply to your library. You do **NOT** have to file a **REVISED** Form 486 because you do NOT have to certify compliance with CIPA.

**NOTE:** You may request discounts for **both voice and data lines** (DSL, cable, ISDN, satellite, T1, dial-up) under Telecommunications. If you have questions about which services are considered Telecommunications, Internet Access and/or Internal Connections, be sure to consult the Eligible Services List available on the SLD web site <http://www.sl.universalservice.org/> or call MSL.

- 5) If you have **NOT YET FILED** a Form 486 for **Telecommunications** E-Rate funds **ONLY** after the effective date of the Order, you will have to file a **REVISED** Form 486, but will mark that **CIPA does not apply** because you are only receiving telecomm funds. If the effective date of the Order has not yet been announced, it would probably be a good idea to file the old Form 486 as soon as possible and get it out of the way.

Watch Wired-MT and the MSL CIPA page <<http://msl.state.mt.us/admin/CIPA.htm>> for information on when the newly revised Form 486 becomes available, as well as for news on the effective date of the FCC Order. We will also be posting links to updates and additional resources so you can easily find information for your library boards and staff.

### **CIPA Compliance and Library Services and Technology Act (LSTA)**

There are only a couple of key points you need to know about CIPA compliance and LSTA:

- 1) If you are currently an **E-Rate recipient** and meet the requirements for **CIPA compliance** as set forth by the FCC and SLD, you need do nothing further for LSTA. The certification of compliance filed with Form 486 is considered sufficient.
- 2) If you are **NOT** using LSTA funds to purchase **computers to access the Internet** and/or to pay for **direct costs associated with accessing the Internet**, you do not have to make any changes because of CIPA. In Montana, no libraries received LSTA funding for these purposes. Therefore, at this time, you do not need to worry about CIPA's effect on the use of LSTA funds in your library.